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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,023	10/31/2003	Andrew J. Cleveland	7273-70195-01	7136

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EXAMINER

DESCHERE, ANDREW M

ART UNIT	PAPER NUMBER
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2836

MAIL DATE	DELIVERY MODE
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09/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,023

Applicant(s)

CLEVELAND, ANDREW J.

Examiner

Andrew M. Deschere

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed 30 July 2007 has amended claims 1 and 10 to recite language regarding the visual display sections reporting "at the power distribution housing".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 10, and 19 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "at least partially simultaneously" renders the claims indefinite. It is unclear to the Examiner how two actions may occur "partially" simultaneously; either they occur at the same time or they do not. In view of the telephonic interview with Mr. Justin Wagner on 16 March 2007, the Examiner will interpret the phrase "at least partially simultaneously" as meaning two actions overlap in their occurrences.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-16, 19-24, and 27-29 rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,628,009 (Chapel) in view of European Patent 324376 (Kobel).

Chapel discloses a load balanced polyphase power distributing system (Figures 1 and 4) with rack-mounted, elongated, vertically mounted power strips 30A, 30B, 30C, and 30D. Power is supplied to the system via polyphase input cables 4 and 5, and the system has outputs 31, 32, and 33 associated with phase inputs. Phase inputs 21, 22, and 23 are seen in the system input plug in Figure 3, along with neutral path 24 and ground path 25.

While Chapel discloses load balancing, there is no suggestion to use visual displays to report power information of multiple phases in the system. Kobel electronic overcurrent trip system that simultaneously measures current in all phases. The measured values are indicated on separate displays (elements 1, 2, and 3 in the Figure), which maintain the fault current values if a trip occurs. A combination of Chapel and Kobel would provide separate visual current displays for each phase in a power distribution system. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the overcurrent trip system of Kobel in the invention of Chapel to prevent overcurrent conditions and provide reliable analysis if a fault occurs.

With regard to claims 6, 7, 15, 16, 22, and 23, it would have further been obvious to include measurement and visual current display of the neutral line. Such a modification would prevent overcurrent conditions on the neutral line, as well as provide information as to the fault current value on the neutral line if a trip occurs.

Claims 8-9, 17-18, and 25-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapel and Kobel in view of United States Patent 4,528,497 (Arato).

A combination of Chapel and Kobel provides a polyphase power distribution system with overcurrent detection and visual display of each phase current, but does not teach the use of a sensory or audible alarm when a trip occurs. Arato teaches a fault monitoring system for electrical systems, and discloses that an overcurrent condition will actuate alarm circuitry (column 3, lines 52-55). Associated with the alarm circuitry are audible and visual alarms 60 (Figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide audible and visual alarms in the combination of Chapel and Kobel to provide a further safety measure to facilitate notification to the user of an overload condition.

Response to Arguments

Applicant's arguments filed 30 July 2007 have been fully considered but they are not persuasive. Arguments are drawn to similar limitations found in independent claims 1, 10, and 19.

Applicant asserts on pages 9-10 that neither Kobel nor Chapel disclose displays "disposed in the power distribution housing" that "report at the power distribution housing". Examiner respectfully traverses. Chapel teaches a polyphase power distribution system, the system including equipment racks for mounting power consuming equipment (Chapel; column 2, lines 51-65). Kobel discloses simultaneous measurement and display of three current phases in a polyphase power network; visual display is provided on separate screens fitted in a front panel (Kobel; pages 3-5 of the English-language translation). As Chapel teaches a polyphase power system with a rack-mount and Kobel teaches monitoring a polyphase power network with a front panel, it would have been obvious to fasten the front panel of Kobel on a rack-mount of Chapel, providing current monitoring as well as overcurrent tripping.

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Applicant suggests on page 11 that prior similar systems to the claimed invention only contained a single current display. The invention of Kobel previously provided advantages over the prior art due to its separate screens for display of individual phase currents, rather than a single, sequential display (Kobel; page 4 of the English-language translation).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

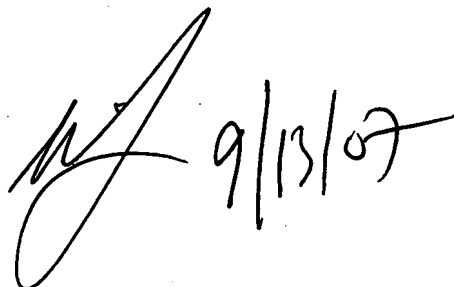
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Deschere whose telephone number is (571) 272-8391. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMD



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